

Message Text

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12

ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 IO-12 CIAE-00 DODE-00 PM-09 H-02

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 DPW-01 RSR-01 /118 W
----- 045318

R 120732 Z MAY 73

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 9199

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

AMEMBASSY THE HAGUE

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E. O. 11652: N/ A

TAGS: PFOR, PK, IN, BG

SUBJ: INDIA CHARGED WITH REJECTING NEGOTIATIONS OFFER;

PAKS SEEK ICJ INJUNCTION

1. SUMMARY. PAKS HAVE CHARACTERIZED INDIAN REPLY TO
GOP OFFER OF NEGOTIATIONS OVER APRIL 17 INDO/ BANGLADESH
DECLARATION AS " REJECTION". GOP SPOKESMAN CLAIMED INDIANS
HAVE DEMANDED PRIOR PAK ACCEPTANCE APRIL 17 TERMS AND WERE
PREPARED NEGOTIATE ONLY MODALITIES OF IMPLEMENTATION. PAKS
HAVE ALSO PETITIONED INTERNATIONAL COURT OF JUSTICE TO
PROHIBIT INDIA FROM TRANSFERRING POWS TO BANGLADESH FOR
TRIAL AND TO ORDER THEIR RETURN TO PAKISTAN. END SUMMARY.

2. FOREIGN MINISTRY SPOKESMAN TOLD PRESS MAY 11 THAT
GOP HAD ON MAY 9 RECEIVED INDIAN REPLY TO GOP INVITATION
TO SEND INDIAN REPS TO ISLAMABAD FOR DISCUSSION OF
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APRIL 17 INDO/ BANGLADESH DECLARATION. SPOKESMAN SAID GOP RESPONSE TO INDIAN MESSAGE WOULD BE DISPATCHED AFTER MINISTER OF STATE FOR DEFENSE AND FOREIGN AFFAIRS AZIZ AHMED, CURRENTLY WITH BHUTTO ON STATE VISIT TO IRAN, RETURNS TO PAKISTAN. HE THEN READ FOLLOWING STATEMENT:

" THE GOVERNMENT OF INDIA HAS REJECTED THE INVITATION OF THE GOVERNMENT OF PAKISTAN TO SEND A REPRESENTATIVE FOR DISCUSSION OF INDIA- BANGLADESH STATEMENT OF APRIL 17. THE GOVERNMENT OF INDIA HAS ASKED PAKISTAN FIRST TO ACCEPT THE INDIA- BANGLADESH PROPOSAL AND ONLY FOR THE PURPOSE OF DISCUSSING THE MODELITIES OF IMPLEMENTATION WOULD INDIA BE PREPARED TO ENTER INTO NEGOTIATIONS. IT IS APPARENT FROM THE COMMUNICATION OF THE GOVERNMENT OF INDIA THAT THE CONTINUED DETENTION OF 92,000 PAKISTANI SOLDIERS AND CIVILIANS IN INDIA IS SOUGHT TO BE USED IN ORDER TO IMPOSE A UNILATERAL SOLUTION ON PAKISTAN IN REGARD TO (A) THE TRIAL OF 195 PAKISTANI POWS BY BANGLADESH AND (B) THE EXPULSION OF NON- BENGALIS FOR BANGLADESH TO PAKISTAN. THE USE OF POWS AS A LEVER OF PRESSURE FOR EXTRACTING CONCESSIONS VIOLATES THE HUMANITARIAN PRINCIPLES OF THE GENEVA CONVENTIONS. MOREOVER, SUCH TACTICS OF PRESSURE ARE BOUND TO VITIATE THE SIMLA SPIRIT OF DIALOGUES AND MUTUAL ACCOMMODATION AS A BASIS FOR RESOLVING OUTSTANDING ISSUES AND PROMOTING THE ESTABLISHMENT OF DURABLE PEACE IN THE SUB- CONTINENT. THE LATEST COMMUNICATION FROM THE GOVERNMENT OF INDIA AND THE REPORTED STATEMENT OF THE INDIAN EXTERNAL AFFAIRS MINISTER IN INDIAN

PARLIAMENT TODAY MAKE IT CLEAR THAT THE NEW DELHI STATEMENT OF APRIL 17 WAS NOTHING MORE

THAN A PROPAGANDA PLOY TO DIVERT THE MOUNTING WORLD CRITICISM AGAINST THE CONTINUED CAPLIMITED OFFICIAL USE

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TIVITY OF 92,000 POWS NEARLY 17 MONTHS AFTER THE CESSATION OF HOSTILITIES."

3. GOP ALSO ANNOUNCED MAZ 11 THAT IT HAD FILED APPLICATION WITH ICJ SAME DAY ASKING COURT TO PROHIBIT INDIA FROM TRANSFERRING POWS TO BANGLADESH FOR TRIAL ON

GENOCIDE CHARGES. ACCORDING FOREIGN MINISTRY SPOKESMAN, GOP APPLICATION ASKS COURT TO FIND THAT PAKISTAN HAS EXCLUSIVE CLAIM TO JURISDICTION OVER THE 195 POWS ACCUSED OF COMMITTING ACTS OF GENOCIDE IN PAKISTANI TERRITORY AND THAT INDIA THUS HAD NO RIGHT EITHER TO TRANSFER THEM TO BANGLADESH OR TO CONTINUE HOLDING 92,000 POWS MERELY BECAUSE OF ALLEGATIONS OF GENOCIDE AGAINST A FEW. APPLICATION BASED ON 1948 GENOCIDE CONVENTION. GOP REQUESTS EARLY DATE FOR HEARING CASE AND ASKS ICJ MEANWHILE TO DIRECT INDIA NOT TO TRANSFER POWS TO BANGLADESH.

4. COMMENT: NEGATIVE, POLEMICAL TONE OF GOP REACTION TO INDIAN MESSAGE MAY BE INTENDED LARGELY FOR ATMOSPHERICS. PAKS CLEARLY DO NOT INTEND MAY 11 STATEMENT TO BE TAKEN AS THEIR FINAL WORD ON SUBJECT, WITH DIRECT REPLY TO INDIAN MESSAGE STILL TO COME.
SOBER

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*** Current Classification *** LIMITED OFFICIAL USE

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